

JAN 27 2003

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PTO/SB/08B(10-01)

Approved for use through 10/31/2002 OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 7

Complete if Known

Application Number	09/396,196
Filing Date	09/15/99
First Named Inventor	Mittmann, et. al.
Group Art Unit	1631
Examiner Name	S. Zhou
Attorney Docket Number	3101.1

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	1	LIPSHUTZ R.J. Letter from Dr. Lipshutz to Dr. Carrano, August 22, 1994. Link	
	2	AFFYMETRIX: GeneChip® Assays and Controls Price List, November, 1997. Link	
	3	AFFYMETRIX: GeneChip® Arrays and Assays Product List, January, 1998. Link	
	4	AFFYMETRIX: GeneChip® Arrays and Assays Product List, November, 1998. Link	
	5	AFFYMETRIX: GeneChip® Arrays and Reagents, February, 1999. Link	
	6	AFFYMETRIX: GeneChip® Price Catalog (U.S. and Canada), July, 1999. Link	
	7	AFFYMETRIX: Addendum (U.S. and Canada) GeneChip® Arrays and Reagents, August, 1999. Link	
	8	AFFYMETRIX: GeneChip® Price Catalog (U.S. and Canada), January, 2000. Link	
	9	AFFYMETRIX: Affymetrix® Catalog Addendum GeneChip® Arrays and Reagents (U.S. and Canada), February, 2000. Link	
	10	AFFYMETRIX: Affymetrix® Product Catalog (Global), August, 2000. Link	
	11	AFFYMETRIX: Affymetrix® Product Catalog (Global), January, 2001. Link	

Examiner
Signature*Shi/Kou*Date
Considered

4/5/03

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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**INFORMATION DISCLOSURE
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Sheet 2 of 7

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Application Number	09/396,196
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First Named Inventor	Mittmann, et. al.
Group Art Unit	1631
Examiner Name	S. Zhou
Attorney Docket Number	3101.1

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	12	AFFYMETRIX: Affymetrix® Product Catalog (Global), January, 2002. Link	
	13	AFFYMETRIX: Affymetrix® Product Catalog (Global), July, 2002. Link	
	14	AFFYMETRIX: Product Information GeneChip® HuSNP Mapping Assay, 1999. Link	
	15	AFFYMETRIX: Product Information GeneChip® GenFlex™ Tag Array, 2000. Link	
	16	AFFYMETRIX: Product Information GeneChip® Yeast Genome S98 Array, 2000. Link	
	17	AFFYMETRIX: Product Information GeneChip® HIV PRT Assay, 1997. Link	
	18	AFFYMETRIX: Product Information GeneChip® HIV PRT Plus, 1998. Link	
	19	AFFYMETRIX: Product Information GeneChip® p53 Assay, 1997. Link	
	20	AFFYMETRIX: Product Information GeneChip® p53 Probe Array and Reagents, 1998. Link	
	21	AFFYMETRIX: Product Information GeneChip® CYP450 Assay, 1997. Link	
	22	AFFYMETRIX: Product Information GeneChip® CYP450 Probe Array and Reagents, 1998. Link	

Examiner
Signature*Shu Zhou*Date
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Complete if Known	
		Application Number	09/396,196
		Filing Date	09/15/99
		First Named Inventor	Mittmann, et. al.
		Group Art Unit	1631
		Examiner Name	S. Zhou
Sheet 3 of 7	Attorney Docket Number	3101.1	

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	23	AFFYMETRIX: Product Information GeneChip® Hu6800 Array, 1998. Link	
	24	AFFYMETRIX: Product Information Human Genome U95 Set, 2000. Link	
	25	AFFYMETRIX: Product Information GeneChip® Human Genome U133 Set, 2001. Link	
	26	AFFYMETRIX: Product Information GeneChip® Human Genome Focus Array, 2002. Link	
	27	AFFYMETRIX: Product Information GeneChip® Human Cancer G110 Array, 1999. Link	
	28	AFFYMETRIX: Product Information Rat Neurobiology U34 Array, 2000. Link	
	29	AFFYMETRIX: Product Information GeneChip® Rat Genome U34 Array Set, 1999. Link	
	30	AFFYMETRIX: Product Information GeneChip® Test1, 1998. Link	
	31	AFFYMETRIX: Product Information GeneChip® Test2 Array, 1999. Link	
	32	AFFYMETRIX: Product Information GeneChip® Test3 Array, 2001. Link	
	33	AFFYMETRIX: Product Information GeneChip® Yeast Genome G90 Array, 1999. Link	

Examiner Signature	<i>[Signature]</i>	Date Considered	4/5/03
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 4 of 7

Complete if Known

Application Number	09/396,196
Filing Date	09/15/99
First Named Inventor	Mittmann, et. al.
Group Art Unit	1631
Examiner Name	S. Zhou
Attorney Docket Number	3101.1

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	34	AFFYMETRIX: Product Information GeneChip® Mu6500 Set, 1998. Link	
	35	AFFYMETRIX: Product Information GeneChip® Murine Genome U74 Set, 2001. Link	
	36	AFFYMETRIX: Product Information GeneChip® Murine 11K Set, 1998. Link	
	37	AFFYMETRIX: Product Information GeneChip® Murine 11K Set, 2001. Link	
	38	AFFYMETRIX: Product Information GeneChip® Murine 10K Set, 1998. Link	
	39	AFFYMETRIX: Product Information Arabidopsis Genome Array, 2000. Link	
	40	AFFYMETRIX: Product Information GeneChip® Arabidopsis ATH1 Genome Array, 2002. Link	
	41	AFFYMETRIX: Product Information E. coli Genome Array, 2000. Link	
	42	AFFYMETRIX: Product Information GeneChip® E. coli Antisense Genome Array, 2001. Link	
	43	AFFYMETRIX: Product Information GeneChip® P. aeruginosa Genome Array, 2001. Link	
	44	AFFYMETRIX: Product Information P. aeruginosa Genome Array, 2001. Link	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 5 of 7

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Application Number 09/396,196
 Filing Date 09/15/99
 First Named Inventor Mittmann, et. al.
 Group Art Unit 1631
 Examiner Name S. Zhou
 Attorney Docket Number 3101.1

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	45	AFFYMETRIX: Product Information Drosophila Genome Array, 2000. Link	
	46	AFFYMETRIX: Product Information GeneChip® B. subtilis Genome Array, 2002. Link	
	47	AFFYMETRIX: Product Information GeneChip® C. elegans Genome Array, 2002. Link	
	48	AFFYMETRIX: Product Information GeneChip® Custom Arrays, 1998. Link	
	49	AFFYMETRIX: Product Information GeneChip® Custom Arrays, 2002. Link	
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	51	AFFYMETRIX: Product Information GeneChip® Human 35K Set, 1998. Link	
	52	CRONIN MT, ET AL, "Cystic fibrosis mutation detection by hybridization to light-generated DNA probe arrays"; Human Mutation, 1996, 7, 3, 244-55. Link	
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	54	KOZAL MJ, ET AL, "Extensive polymorphisms observed in HIV-1 clade B protease gene using high-density oligonucleotide arrays"; Nature Medicine, 1996, 2, 7, 763-9. Link	
	55	LOCKHART DJ, ET AL, "Expression monitoring by hybridization to high-density oligonucleotide arrays"; Nature Biotechnology, 1996, 14, 13, 1675-80. Link	

Examiner Signature *S. Zhou* Date Considered 4/5/03

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Sheet 6 of 7

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Application Number	09/396,196
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Group Art Unit	1631
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	56	SHOEMAKER DD, ET AL, "Quantitative phenotypic analysis of yeast deletion mutants using a highly parallel molecular bar coding strategy", Nature Genetics, 1996, 14, 4, 450-6. Link	
	57	WODICKA L, ET AL, "Genome-wide expression monitoring in Saccharomyces cerevisiae", Nature Biotechnology, 1997, 15, 43, 1359-67. Link	
	58	DE SAIZIEU A, ET AL, "Bacterial transcript imaging by hybridization of total RNA to oligonucleotide arrays", Nature Biotechnology, 1998, 16, 1, 45-8. Link	
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	60	HARMER SL, ET AL, "Orchestrated transcription of key pathways in Arabidopsis by the circadian clock", Science, 2000, 290, 5499, 2110-3. Link	
	61	RIENECK K, ET AL, "Massive parallel gene expression profiling of RINm5F pancreatic islet beta cells stimulated with interleukin-1beta", Apmls, 2000, 108, 12, 865-72. Link	
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	63	GELINGER DW, ET AL, "RNA expression analysis using a 90 base pair resolution Escherichia coli genome array", Nature Biotechnology, 2000, 18, 12, 1262-6. Link	
	64	TRAVERS KJ, ET AL, "Functional and genomic analyses reveal an essential coordination between the unfolded protein response and ER-associated degradation", Cell, 2000, 101, 3, 249-58. Link	
	65	HAKAK Y, ET AL, "Genome-wide expression analysis reveals dysregulation of myelination-related genes in chronic schizophrenia", Proceedings of the National Academy of Sciences, USA, 2001, 98, 8, 4746-51. Link	
	66	LU GG, ET AL, "Methionine adenosyltransferase 1A knockout mice are predisposed to liver injury and exhibit increased expression of genes involved in proliferation", Proceedings of the National Academy of Sciences, USA, 2001, 98, 10, 6560-5. Link	

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Sheet 7 of 7

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	67	MACDONALD TJ, ET AL, "Expression profiling of medulloblastoma: PDGFRA and the RAS/MAPK pathway as therapeutic targets for metastatic disease", <u>Nature Genetics</u> , 2001, 29, 2, 143-52. <u>Link</u>	
	68	NICULESCU AB, 3RD, ET AL, "The human genome: genetic testing and animal models", <u>American Journal of Psychiatry</u> , 2001, 158, 10, 1587. <u>Link</u>	
	69	STAMEY TA, ET AL, "Molecular genetic profiling of Gleason grade 4/5 prostate cancers compared to benign prostatic hyperplasia", <u>Journal of Urology</u> , 2001, 166, 6, 2171-7. <u>Link</u>	
	70	WELSH JB, ET AL, "Analysis of gene expression profiles in normal and neoplastic ovarian tissue samples identifies candidate molecular markers of epithelial ovarian cancer", <u>Proceedings of the National Academy of Sciences, USA</u> , 2001, 98, 3, 1176-81. <u>Link</u>	
	71	CHEE M, ET AL, "Accessing genetic information with high-density DNA arrays", <u>Science</u> , 1996, 274, 5287, 610-4. <u>Link</u>	
	72	CHO RJ, ET AL, "Parallel analysis of genetic selections using whole genome oligonucleotide arrays", <u>Proceedings of the National Academy of Sciences of the United States of America</u> , 1998, 95, 7, 3752-7. <u>Link</u>	
	73	BAKAY, ET AL, "Sources of variability and effect of experimental approach on expression profiling data interpretation", 2002, 3:4. <u>Link</u>	
	74	CARMEL, ET AL, "Gene expression profiling of acute spinal cord injury reveals spreading inflammatory signals and neuron loss", <u>Physiol Genomics</u> 2001, 7:201-213. <u>Link</u>	
	75	AFFYMETRIX, INC. Securities and Exchange Commission Filing S-3 filed on October 17, 1997, also available at <u>http://www.sec.gov/Archives/edgar/data/913077/0001047469-97-001100.txt</u> . <u>Link</u>	

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	76	US-5,143,854	09-01-1992	Pirrung et al. <u>Link</u>	
	77	US- 5,800,992	06-25-1996	Fodor et al. <u>Link</u>	

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180

Complete if Known

Application Number 09/396,196
Filing Date 09/15/99
First Named Inventor Mittmann, et. al.
Examiner Name S. Zhou
Group / Art Unit 1631
Attorney Docket No. 3101.1

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order

☒ Deposit Account:

Deposit Account Number 01-0431

Deposit Account Name Affymetrix, Inc.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$0)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
20 **	0	18	0
Independent Claims	3 **	0	0
Multiple Dependent			0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$0)

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.0
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$180)

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Name (Print/Type)	Registration No. Attorney/Agent)	Telephone	Date
Sandra Wells	52,349	408-731-5000	January 22, 2003
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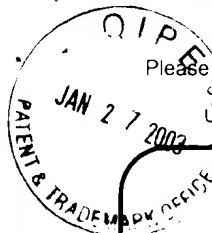
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/396,196
Filing Date	09/15/99
First Named Inventor	Mittmann, et. al.
Group Art Unit	1631
Examiner Name	S. Zhou
Attorney Docket Number	3101.1

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input checked="" type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): 1)) Form PTO/SB/08B (seven pages) 2) One CD with electronic copy of references 3) Return postcard
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Sandra Wells, Reg. No- 52,349
Signature	
Date	January 22, 2003

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: January 22, 2003			
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